RESOLUTION NO. R- 10-78

Bril No B-78-02-07

A RESOLUTION authorizing the Mayor and Clerk to execute, acknowledge and deliver in the name of and on behalf of the City of Fort Wayne, Indiana, (1) a Release from all obligations of the Trustee under a certain March 1, 1975, Mortgage and Indenture of Trust entered into for the issuance of a \$550,000 Economic Development First Mortgage Revenue Bond (Gunnar Elliott Ice Arena, Inc. Project) of the City of Fort Wayne, Indiana, (2) a Release from all lease obligations of Gunnar Elliott Ice Arena, Inc. under a Lease Agreement between the City of Fort Wayne, Indiana as Lessor and Gunnar Elliott Ice Arena, Inc. as Lessee, and (3) a Warranty Deed from the City of Fort Wayne of the real estate, machinery and miscellaneous equipment to Lincoln National Bank and Trust Company of Fort Wayne as sole Bondholder.

WHEREAS, on May 20, 1974, by Resolution No. 74-21, the Fort Wayne Development Commission of the City of Fort Wayne (the "Commission") adopted a resolution finding that the economic welfare of the City of Fort Wayne, Indiana (the "City") would be benefited by the acquisition and leasing to Gunnar Elliott Ice Arena, Inc. (the "GEIA") of economic development facilities and the corresponding issuance of an Economic Development First Mortgage Revenue Bond to finance such acquisition:

WHEREAS, on March 11, 1975, by Resolution No. R-19-75 and on March 25, 1975, by Resolution No. R-38-75 the Common Council of the City of Fort Wayne, Indiana (the "Common Council") authorized the issuance of an Economic Development First Mortgage Revenue Bond (Gunnar Elliott Ice Arena, Inc. Project) (the "Bond") in the total principal amount of Five Hundred Fifty Thousand Dollars (\$550,000) and the execution of related documents including but not exclusively a Mortgage and Indenture of Trust (the "Indenture") between the City and Lincoln National Bank and Trust Company of Fort Wayne (the "Trustee") and a Lease Agreement (the "Lease") between the City and GEIA;

APPROVING FORM

WHEREAS, the Bond, the Lease and the Indenture were executed March 26, 1975, effective retroactive to March 1, 1975, by the appropriate parties:

WHEREAS, in March, 1977, an event of default occurred under the terms of the Lease and Indenture, notice of which was given to the City and GEIA on April 6, 1977, and subsequently the required payments on the Bond also went into default:

WHEREAS, the Trustee has neither been able to find a new suitable lessee under the Lease nor has the Bondholder been able to sell the Bonds:

WHEREAS, the Trustee recommends that the City and the Trustee release the Project from the lien of the Indenture;

WHEREAS, the Bondholder to facilitate sale of a portion of the Project requests that the Common Council authorize and empower the Mayor and City Clerk to execute appropriate documents to deed the Project to the Bondholder, to release the Trustee from any future liabilities and obligations, and to release GEIA from any future liabilities under the Lease;

WHEREAS, the Trustee intends to thereafter resign from its responsibilities and duties under the Indenture; and

WHEREAS, the obligations and liabilities of the Commission and the City were limited solely to the good faith efforts to consummate said proceedings, to issue the Bond, to hold legal title to the Project without any other responsibilities incident to such legal ownership, and neither the City, the Commission, nor its officers or agents were to incur any liability to any Bondholder if said Bond went into default;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. To facilitate the sale of a portion of the Project by the Bondholder, the Mayor and Clerk of the City are authorized and directed to execute (a) a Warranty Deed of the Project from the City to the Bondholder, (b) a Release of GEIA from all future liability under the Lease, and (c) a Release from any future liability or obligations of the Trustee under the Indenture and a termination of the effect and force of the Indenture subsequent to the release by the Trustee of the Project from the lien of the Indenture.

Section 2. This Resolution shall be in full force and effect immediately upon its adoption by the Common Council and approved by the Mayor.

Councilman

Read the fi	rst time in full and o	on motion by		, seconded	i by
	, and duly a	dopted, read	the second time	by title and referr	ed to the
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